

*** * * MINUTES * * ***

OPEN SESSION BOARD MEETING

**Held in the Conference Room at the offices of the
Nevada State Board of Medical Examiners**

1105 Terminal Way, Suite 301, Reno, NV 89502

and videoconferenced to

the conference room of the Nevada State Board of Dental Examiners

6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118

FRIDAY, JUNE 13, 2008 – 8:30 a.m.

and

SATURDAY, JUNE 14, 2008 – 8:30 a.m.

Board Members Present

Javaid Anwar, M.D., President

Sohail U. Anjum, M.D., Vice President

Charles N. Held, M.D.

Jean Stoess, M.A.

Cindy Lamerson, M.D.

S. Daniel McBride, M.D.

Benjamin J. Rodriguez, M.D.

Renee West

Staff Present

Drennan A. Clark, J.D., Executive Director/Special Counsel

Laurie L. Munson, Deputy Executive Director/
Information Systems Administrator/Chief of Administration

Edward O. Cousineau, J.D., Deputy General Counsel

Lyn E. Beggs, J.D., Deputy General Counsel

Douglas C. Cooper, Chief of Investigations

Lynnette L. Daniels, Chief of Licensing

Carolyn H. Castleman, Deputy Chief of Licensing

Shawna M. Rice, Compliance Officer/Investigator

Jerry C. Calvanese, M.D., Medical Reviewer

Also Present

Robert Bryant, J.D., Deputy Attorney General
Peter A. Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation (in Las Vegas)
John Lanzillotta, P.A.-C, Physician Assistant Advisory Committee Member (in Las Vegas)
Janet Wheble, P.A.-C, Physician Assistant Advisory Committee Member (in Las Vegas)
Roy M. Cary, Jr., P.A.-C, Physician Assistant Advisory Committee Member (in Las Vegas)
John Steinmetz, R.R.T., Practitioner of Respiratory Care Committee Member (in Las Vegas)
Donald Rider, R.R.T., Practitioner of Respiratory Care Committee Member

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

The meeting was called to order by President Javid Anwar, M.D., at 8:35 a.m.

Dr. Anwar requested a moment of silence for former Board Member Donald H. Baepler, Ph.D., D.Sc., who recently passed away, and who had been a tremendous asset to the community, the state of Nevada, and to the Board of Medical Examiners.

Mr. Bryant took roll call, and all Board members were present with the exception of Ms. West. Mr. Bryant announced that there was a quorum.

Agenda Item 2

APPROVAL OF MINUTES

- March 19, 2008 Emergency Telephone Conference Call Board Meeting – Open Session
- March 28 & 29, 2008 Board Meeting – Open/Closed Sessions

Dr. Anjum moved to approve the Minutes of the March 19, 2008 Emergency Telephone Conference Call Board Meeting - Open Session, and the Minutes of the March 28 & 29, 2008 Board Meeting – Open/Closed Sessions. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 3

PERSONNEL

Closed Session

- Annual Review and Discussion of Professional Competency of Staff
- Sohail U. Anjum, M.D., Vice-President and Chairman of the Internal Affairs Committee;
Drennan A. Clark, J.D., Executive Director/Special Counsel

Open Session

- Set Staff Compensation
- Sohail U. Anjum, M.D., Vice-President and Chairman of the Internal Affairs Committee;
Drennan A. Clark, J.D., Executive Director/Special Counsel

- **Annual Review and Discussion of Professional Competency of Staff**
- **Set Staff Compensation**

Dr. Rodriguez moved to go into Closed Session to discuss the professional competency of Board staff. Dr. Anjum seconded the motion, and it passed.

Upon returning to Open Session, Dr. Anjum stated that Dr. Baepler had recommended a two percent cost-of-living increase in staff salaries and that he and Ms. Stoess agreed with the

recommendation. The performance of Board staff has been excellent and they would have liked to have granted merit increases as well, but the Board lacks the funds to do so at this time.

Dr. Anwar added that the Board very much appreciates the hard work the staff has done and continues to do.

Mr. Clark recommended the Board approve a two percent cost-of-living increase for all staff members.

Dr. Held moved to approve a two percent cost-of-living increase for all Board staff. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 7

DISCUSSION OF LEGISLATIVE INITIATIVES FOR 2009 LEGISLATIVE SESSION

- Drennan A. Clark, J.D., Executive Director/Special Counsel

Mr. Clark stated all items on the list of proposed legislative initiatives, with the exception of one, were proposed by Board staff to increase the efficiency and cohesiveness of the operations of the Board and, in a couple of instances, to ensure the Board is entitled to obtain investigative materials from law enforcement. The first proposal is one that was approved by the Board for the 2007 legislative session, but was not enacted by the Legislature, which is to extend the practice of medicine to include the performance of autopsies. The second proposal is to add a definition to the statutes to clarify that the five years' active clinical practice requirement for licensure by endorsement does not include residency or fellowship training. This is necessary in light of the amendment of NRS 630.1605 by the Legislature in 2007. Senator Heck, the author of the bill amending NRS 630.1605, has indicated that what he meant was actual clinical practice.

Discussion ensued concerning why physicians from other states come to Nevada to perform autopsies.

Discussion ensued concerning the first part of the seventh proposal on the list, concerning sending biopsies and other specimens out of state for review and diagnosis to assist in the treatment of patients in Nevada. The consensus of the Board was that this is not something that needs to be regulated by the Board.

Discussion ensued concerning the second part of the seventh proposal on the list.

Dr. Held said he believed everyone on the Board agreed that out-of-state physicians who perform autopsies in Nevada are practicing medicine.

Dr. McBride moved that the Board submit item one on the list of legislative proposals to the Legislature. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Discussion ensued concerning whether residency and/or fellowship training should be included towards the five years' clinical practice licensure requirement under NRS 630.1605.

Ms. Daniels explained that the requirement, as it stands, is confusing, so it needs to be clarified whether "clinical practice" includes residency and/or fellowship training under the statute.

Dr. McBride moved that the Board table the item for discussion until the next meeting to allow for research to be conducted as to the intent of the statute and where an exception may be necessary.

Further discussion ensued concerning the five-year clinical practice requirement.

Mr. Clark explained that Board staff had spoken with Senator Heck, and that Senator Heck was aware that NRS 630.1605, as currently written, has caused some problems, so he is going to propose, during the next legislative session, that the statute be amended to its former version, which will alleviate these problems. However, until that occurs, or in the event it does not, the Board needs to clarify the clinical practice requirement.

Mr. Cousineau added that when he spoke with Senator Heck, he confirmed that the intent of the statute was five years' active clinical practice. Therefore, it would be proper for the Board to take that position until a statutory change takes place.

Mr. Cousineau suggested that the Board might be able to accomplish the clarification by regulation, instead of waiting for the next legislative session.

Dr. Held suggested tabling the proposal to allow for further discussion with Senator Heck prior to the next legislative session.

Dr. McBride moved that the Board table discussion of the proposal to the September meeting to consider it, with new language, for purposes of a regulation. Dr. Held seconded the motion.

Dr. Anjum suggested that Board members meet with Senator Heck concerning this issue.

Mr. Cousineau said that a regulation, if adopted, would not facilitate in licensing more physicians; it would simply negate the challenges to the statute due to the ambiguity of the statutory language.

A vote was taken on the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Clark stated that the third proposal is another clarification of statute. The law currently requires that applicants complete 36 months of progressive, post-graduate training prior to applying for licensure. Because some residencies are longer than 36 months, this change would require that applicants wait until they are in their last six months of residency training to apply for an unrestricted license.

Ms. Daniels stated the concern is that applicants will drop out of their training programs once they are licensed and not complete their training.

Discussion concerning how the change would affect moonlighting and whether there would be a benefit in adopting the proposal.

Mr. Clark described the remaining proposals on the list.

Dr. Anwar asked for clarification concerning the fifth proposal, as to whether primary source verification would still be accepted from organizations such as the Federation of State Medical Boards, and Mr. Clark stated that it would.

Dr. Anwar asked whether it might be possible to obtain funding from other sources to assist the Board with its expenses associated with the investigation into the Hepatitis C crisis.

Discussion ensued concerning avenues that might be available to obtain funding to assist in the Board's investigation.

Discussion ensued concerning the proposed fee increases under the nineteenth proposal.

Discussion concerning the twentieth proposal, concerning special event licenses for those out-of-state physicians who come to Nevada to perform medical or cosmetic demonstrations, and whether those physicians should be required to complete an application and pay a fee.

Dr. Lamerson suggested the fee should be increased for those particular licenses to \$600 or \$800.

Dr. Held moved that proposal 7f be eliminated from the list. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. McBride moved that the third proposal be eliminated from the list. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Discussion ensued concerning the fee for special event licenses.

Dr. McBride moved that the Board adopt the remaining items on the list of proposals as discussed. Ms. Stoess seconded the motion.

Dr. Havins asked whether the timeframe under proposal 15 was reasonable with respect to patients who request records, and also stated that there is already a provision under NRS 629.061(1)(g) that authorizes state investigators from licensing boards to inspect records at all reasonable office hours in a reasonable amount of time.

Ms. Beggs explained that the problem is that patients are making requests and are not receiving a response from practitioners in a reasonable amount of time and since there currently is no specified timeframe, there is nothing the Board can do.

Mr. Cooper stated that NRS 629.061(1)(g) only applies to inspection of the records, and does not cover reproduction of the records.

A vote was taken on the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 4

CONSIDERATION OF ADOPTION OF AMENDMENTS TO NEVADA ADMINISTRATIVE CODE CHAPTER 630

- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Delete Provision from NAC 630.350(1) Requiring Physician Assistants to File Their Applications for Renewal of Licensure Not Less Than 30 Days Before Expiration of Their Licenses
- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Add a Provision Authorizing the Board to Approve Two Hours of Continuing Medical Education Credit in Ethics Per Biennium to Licensed Physician Members of the Board for Their Participation as Members of the Board
- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Create Special Event License for Visiting Physicians Conducting Demonstrations
- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.500 to Add Provisions Regarding Proof of Qualification for Licensure of Practitioner of Respiratory Care Applicants
 - Edward O. Cousineau, J.D., Deputy General Counsel
- **Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Delete Provision from NAC 630.350(1) Requiring Physician Assistants to File Their Applications for Renewal of Licensure Not Less Than 30 Days Before Expiration of Their Licenses**

Mr. Cousineau explained that the first regulation before the Board would eliminate the deadline on which an application for renewal of a physician assistant's license must be submitted before the expiration of the license. The regulation currently requires that an application be filed at least 30 days prior to the expiration of the license. With online licensure renewals, the language no longer makes sense. There was no public comment or input with regard to the proposed regulation.

Dr. Held moved to adopt the regulation. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- **Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Add a Provision Authorizing the Board to Approve Two Hours of Continuing Medical Education Credit in Ethics Per Biennium to Licensed Physician Members of the Board for Their Participation as Members of the Board**

Mr. Cousineau stated that this proposed regulation was discussed previously and it was collectively decided by the Board that the matter should be taken through the regulatory process to ensure there were no concerns on the part of the public by allowing physician members of the Board to receive continuing medical education credits based on their service to the Board. The regulation specifically authorizes one continuing medical education credit hour per 12 months served as a member of the Board, and therefore two per biennium, and those credits can be used towards the ethics requirement or otherwise, at the discretion of the physician Board Member. There was no public comment or input concerning the regulation.

Dr. Held moved to adopt the regulation. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Create Special Event License for Visiting Physicians Conducting Demonstrations

Mr. Cousineau explained that the third regulation is similar to one of the proposals on the list of proposed legislative initiatives, in that staff has also put the language of that proposal into the form of a proposed regulation. This was done because in discussions with the Legislative Counsel Bureau, the legislative legal staff felt the Board may not have authority to promulgate a regulation specifically delineating a type of license. Mr. Cousineau and Mr. Clark believe to the contrary, but the Legislative Commission will have the final say. That is the reason staff is also proposing a change to the statute, as a fall-back position in case the Board's regulation is not approved by the Legislative Commission. There was no public comment or input concerning the proposed regulation.

Dr. Rodriguez moved that Section 3(b)(2), which currently reads, "A copy of the applicant's current policy of insurance for medical malpractice; and" include a requirement that the policy of insurance for malpractice must be valid in the state of Nevada.

Discussion ensued concerning the circumstances in which this type of license would be issued.

Dr. Rodriguez moved that the fee listed in Section 3(a)(2) be increased from \$300 to \$600 to cover the Board's expenses associated with the processing of these applications.

Dr. Lamerson seconded Dr. Rodriguez's motions, and they passed unanimously, with the Chair voting in favor of the motion.

Dr. Rodriguez stated that with respect to Sections 3(c)(4) and (5), physicians coming to town to perform demonstrations may not see the patients until they arrive, so it would be impractical for the Board to require the physician to provide a written record of the physical examination of the patient and the medical history prior to the date of the demonstrations. He suggested those requirements be amended to state that a written history and physical must be done prior to performance of any demonstration.

Discussion ensued concerning the history and physical examination requirements.

Dr. Rodriguez moved that the Board require that the history, physical and consent be in the patient's chart before performing the procedure. Dr. Anjum seconded the motion.

Mr. Cousineau requested authority to make the requested corrections to the regulation and provide the new version to Dr. Rodriguez, Dr. Held and to anyone else that might be interested in order to confirm that what he will be submitting to the Legislative Commission is consistent with the Board's desires.

A vote was taken on the motion and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.500 to Add Provisions Regarding Proof of Qualification for Licensure of Practitioner of Respiratory Care Applicants

Mr. Cousineau requested authority to proceed with the process of adoption of a regulation amending NAC 630.500. The proposed regulation was requested by the Board's Licensing Division, in response to an agenda item from March 2003, which was approved at that time by the Board, and which required continuing education units to be completed by respiratory therapists when they have been out of practice for a finite period of time and to take a national exam if have been out of practice for five years or more. What this regulation would do is require proof of completion of 10 continuing education units per year out of practice if a practitioner of respiratory care has been practicing for less than five years, and if he has been out of practice for five years or more, he would need to take the certification or registration examination of the National Board of Respiratory Care.

Dr. Rodriguez moved that the Board authorize staff to proceed with the process of adoption of the proposed regulation as written. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 5

CONSIDERATION OF REQUEST BY RENO VEIN CLINIC FOR APPROVAL OF HANDS-ON TRAINING PROGRAM FOR PHYSICIANS IN "DIAGNOSIS AND MANAGEMENT OF VENOUS DISEASES" COURSE AT THE RENO VEIN CLINIC IN RENO

- Robert F. Merchant, M.D.

Robert Merchant, M.D. stated he had submitted additional information concerning the program pursuant to the Board's request at its March meeting. He stated they will ensure that all participating physicians have malpractice insurance that is valid in the state of Nevada and that their licenses are in good standing in the state in which they practice. They may have some physicians from other countries, and will request variances for those.

Dr. Merchant described the training that would be provided through the program and stated it would be hands-on training.

Discussion ensued concerning the training that will be offered through the program.

Dr. Rodriguez moved to approve the training program. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 6

REVIEW OF COMPLIANCE WITH TERMS OF SETTLEMENT AND OF LICENSURE STATUS OF WAYNE DUNETZ, P.A.-C

- Lyn E. Beggs, J.D., Deputy General Counsel

Mr. Dunetz was present in Las Vegas.

Compliance Officer/Investigator Shawna Rice provided a confidential written report related to Mr. Dunetz's compliance with the terms of settlement to the Board Members for their review.

Ms. Beggs stated that due to the nature of the information contained in the confidential report and the topics that would be discussed, she had previously advised Mr. Dunetz that he

had the right to request that the discussion be held in closed session. She then asked Mr. Dunetz if that was what he wanted, and he indicated it was.

Dr. Held moved to go into Closed Session. Dr. Rodriguez seconded the motion, and it passed.

Before going into Closed Session, Ms. Beggs asked that it be put on the record that the item was not properly agendaized, in that the agenda did not indicate that the Board might go into Closed Session, and that it could potentially be a problem, but that with due respect to Mr. Dunetz, she was recommending the Board go into Closed Session in order to avoid requiring Mr. Dunetz to come to the next Board meeting.

Dr. Rodriguez moved to go into Closed Session. Ms. Stoess seconded the motion, and it passed.

Upon returning to Open Session, Dr. Rodriguez moved to reinstate Mr. Dunetz's license to practice as a physician assistant provided he complies with the recommendations in the compliance report and the additional recommendations made by Dr. Piasecki. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 8

CONSIDERATION AND DISCUSSION CONCERNING ITEMS/MATTERS FOR POSSIBLE INCLUSION ON THE BOARD'S WEBSITE

Ms. Stoess stated that Governor Gibbons, some Legislators and some of the media have been demanding the Board include malpractice information on its website. She thinks it is doable and affordable and recommended doing so.

Ms. Munson showed the Board onscreen how the Board's website currently looks and then showed a prototype of the redesigned website developed by the Nevada Department of Information Technology. She explained the format of the new website was consistent with the format of other state agencies' websites. She said she would send the link to the prototype to the Board Members for their input.

Discussion ensued concerning the addition of license numbers, license expiration dates, education and training. Ms. Munson explained that the information was already available to anyone who calls the Board office. She then explained that with respect to adding information concerning board certification, the Board receives information concerning ABMS board certification on applications for licensure, but the Board does not always receive information concerning recertification from its licensees or from any other source, and thus is unable to verify currency of certification. Therefore, if the Board chooses to add that information to its website, a disclaimer should be added stating that the Board cannot verify currency of certification and advising individuals they should contact the ABMS, and provide a link to the ABMS to allow them to do so.

Dr. McBride stated it should be made clear that board certification in and of itself is not an indication of competency.

Ms. Stoess outlined the content of malpractice information that was suggested to be included on the website.

Ms. Stoess moved that the Board add all recommended content to its website. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 9

CONSIDERATION OF "PAPERLESS" MEETINGS

- Laurie L. Munson, Deputy Executive Director/Information Systems Administrator

Ms. Munson stated that she had compiled a comparison of the costs involved in preparation of meeting materials under the Board's current procedures and the costs that are estimated to be incurred if the Board were to go paperless.

Dr. Anwar asked how the Board members would review the materials under the proposed procedures.

Ms. Munson described the procedures involved in preparing the materials under a paperless system and how they would be provided to the Board members and staff for review.

Discussion ensued concerning the costs and time involved under the current system for handling meeting materials versus those involved in a paperless system, and the process involved in switching from one system to another.

Dr. Held moved that the Board authorize staff to proceed with a paperless system as funds become available to do so. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 16

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. JASON HOWERTON, C.R.T., BME CASE NO. 07-31239-1

- Robert Bryant, J.D., Deputy Attorney General

OPEN SESSION

Mr. Bryant named the members of the Investigative Committee who reviewed the case. He asked the adjudicating Board Members whether they had reviewed the information provided relative to the adjudication, and all indicated they had. He then summarized the facts of the case. On his application for a respiratory care license, Mr. Howerton answered question 12 in the negative. On his application for initial registration, Mr. Howerton answered question 5 in the negative. Both questions ask for disclosure of criminal history and Las Vegas Metropolitan Police records indicate Mr. Howerton had been arrested at least seven times between 1984 and 2002. The charge brought is willfully making a false statement on an application for licensure, a violation of NAC 630.540.

Dr. McBride moved that the Board find that Mr. Howerton made a false and fraudulent statement on his application for license, a violation of NAC 630.540(1). Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Dr. Rodriguez moved that the Board revoke Mr. Howerton's license to practice respiratory therapy and fine him \$1,500. Dr. McBride seconded the motion.

Mr. Cooper stated the costs incurred by the Board in the investigation were \$3,110.

Dr. Rodriguez amended his motion to include reimbursement of the Board's costs. Dr. McBride seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 17

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. FRANK SILVER, M.D., BME CASE NO. 06-4041-1

- Robert Bryant, J.D., Deputy Attorney General

OPEN SESSION

Mr. Bryant named the Investigative Committee Members who reviewed the case. He then summarized the facts of the case. The patient involved in the case was a 30-year-old female who underwent a laparoscopic procedure performed by Dr. Silver. She subsequently began experiencing abdominal pain and went to the hospital. Before she could undergo additional surgery, she expired. An autopsy revealed the cause of death as being due to perforation of the sigmoid colon during the laparoscopic procedure. The charge is malpractice pursuant to NRS 630.301(4), for failure to use reasonable knowledge, skill and expertise ordinarily used in the diagnosis and treatment of a patient. He then named the adjudicating Board Members and asked them whether they had reviewed the information provided relative to the adjudication. All indicated they had.

Discussion ensued concerning the care provided to the patient and whether it fell below the standard of care.

Dr. Rodriguez moved that the Board find Dr. Silver was not guilty of malpractice, as his procedures met the standard of practice at the time. Dr. Held seconded the motion, and it passed, with Dr. Anwar and Dr. Lamerson opposed to the motion and the remaining adjudicating Board Members voting in favor of the motion.

Dr. Rodriguez moved to dismiss the complaint. Dr. Anjum seconded the motion, and it passed, with Dr. Lamerson voting against the motion and the remaining adjudicating Board Members voting in favor of the motion.

Agenda Item 18

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. AGAPITO RACOMA, M.D., BME CASE NO. 04-7543-1

- Robert Bryant, J.D., Deputy Attorney General

OPEN SESSION

Steven Lewis, Esq. was present at the meeting, representing Dr. Racoma.

Mr. Bryant named the members of the Investigative Committee who reviewed the case and named the adjudicating Board Members. He asked the adjudicating Board Members whether they had reviewed the information provided relative to the adjudication, and all indicated they had. He then summarized the facts of the case. The patient was a 19-year-old female who gave birth in July of 1999. On September 20, 1999, her husband found her

attempting suicide and called emergency services. A legal 97 form was completed. The patient was transferred to Southern Nevada Adult Mental Health, where she was examined and released by Dr. Racoma. Within 24 hours of her release, the patient hung herself and was deceased. The charge is malpractice pursuant to NRS 630.301(4), for failure to use reasonable knowledge, skill and expertise ordinarily used in the diagnosis and treatment of a patient.

Discussion ensued concerning Dr. Racoma's treatment of the patient and whether it fell below the standard of care.

Dr. McBride moved that the Board find Dr. Racoma was not guilty of malpractice and no violation of NRS 630, based upon careful review of the records available and Dr. Racoma's overall treatment plan, and that he did not fall below the standard of care. Dr. Rodriguez seconded the motion, and it passed, with all adjudicating Board Members voting in favor of the motion.

Dr. McBride moved to dismiss the complaint. Ms. Stoess seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 10

CONSIDERATION AND DISCUSSION CONCERNING ADOPTION OF CONFLICT OF INTEREST POLICY FOR BOARD MEMBERS

- Drennan A. Clark, J.D., Executive Director/Special Counsel

Mr. Clark explained that this item was on the agenda because of questions and comments he received from Legislators during a meeting of the Legislative Committee on Health Care. At that meeting, he was asked whether the Board had a conflict of interest policy that the Board Members signed, and he informed the Committee the Board does not. The Executive Director of the Nursing Board advised the Committee that they have one. Following the meeting, Mr. Clark made some calls to Executive Directors of medical boards in other states and found out that about half of the states have them. Because of the interest of the Legislators, Mr. Clark decided to bring it to the Board for its consideration, and has provided policies from several sources. He has not yet prepared a draft policy because he wanted to find out whether the Board is interested in creating a policy. If it is, one will be created and provided to the Board for review and adoption at the next meeting.

Mr. Bryant stated that NRS Chapter 281A covers conflicts of interest, so there is statutory guidance already in place.

Discussion ensued concerning whether the Board should adopt a policy.

Dr. Held suggested the Board Members could sign a statement that they are familiar with the statute.

Dr. Rodriguez suggested signing a statement that the Board Members have read or reviewed NRS 281A and agree to abide by the law.

Dr. Lamerson moved that the Board Members sign a statement that they have read or reviewed NRS 281A and agree to abide by the law. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Clark stated he would draft the statement for presentation to the Board.

Agenda Item 11

CONSIDERATION AND DISCUSSION CONCERNING ADOPTION OF STATE DIVISION OF HEALTH'S POLICY ON USE OF SINGLE-USE AND MULTI-USE VIALS

- Drennan A. Clark, J.D., Executive Director/Special Counsel

Mr. Clark explained that this item was before the Board as a result of conversations he had had with Drs. Lamerson and Calvanese. The Division of Health's policy was included in the meeting materials and basically states a physician should follow the recommendations of the manufacturer on the use of vials but it is really the sole responsibility of the physician who prescribes the drug. If the Board is interested in adopting a policy, he would write something up that states the Board recommends its licensees follow the policy of the Health Division. The Southern Nevada Health District also follows that policy.

Discussion ensued concerning what the Division of Health does when they find physicians are not following the policy and concerning the ramifications of adopting such a policy, as certain drugs are often used in ways, other than as prescribed by the manufacturer, that have been proven by studies to be completely safe.

Dr. Calvanese stated the CDC came out with up-to-date guidelines in February that essentially state that physicians should follow the manufacturer's guidelines. The intention was not to make this something that should absolutely be followed, but thinks it would be a good idea to put the CDC communication in the Board's newsletter to let physicians know what the CDC recommends and advise them to interpret it as they wish, to give them some semblance of what is on paper.

Dr. McBride suggested that the Board endorse the current policy the CDC recommends and make it the official policy of the Board and publish it in the Board's newsletter. Dr. Rodriguez seconded the motion.

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, stated they had sent out the current CDC protocols to all Nevada State Medical Association members because those protocols are now the universal standard regarding injectable safety in all ambulatory settings.

A vote was taken on the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 12

CONSIDERATION AND DISCUSSION CONCERNING ADOPTION OF POLICY ON IN-OFFICE SURGICAL PROCEDURES

- Drennan A. Clark, J.D., Executive Director/Special Counsel; Lyn E. Beggs, J.D., Deputy General Counsel

Mr. Clark explained that this item was placed on the agenda at Dr. McBride's suggestion, for discussion among the Board Members. A situation has arisen wherein a family physician took a weekend course in liposuction and started performing liposuction procedures in his office without wearing surgical gloves, with no crash cart available, and using questionably-trained personnel to assist him, which resulted in some serious infections. The Board issues an unrestricted license and sometimes physicians go into other areas where they are minimally trained, particularly in the area of cosmetic surgery, with the high demand for those procedures, and there needs to be some thought given as to how to regulate these procedures.

Discussion ensued concerning how to address regulation of these types of in-office procedures.

Mr. Clark stated he would communicate with the Clark County and Washoe County Medical Societies and the Nevada State Medical Association and provide additional information to the Board at the next meeting.

Agenda Item 13

REPORTS

- Diversion Program - Quarterly Report - Peter Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Roy M. Cary, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - Peggy Alby, R.R.T., Advisory Committee Member
 - Consideration of Request for Approval of Appointment of Replacement Committee Member
- Investigative Committees - Charles N. Held, M.D., Board Member, Chairperson, Investigative Committee A
 - Sohail U. Anjum, M.D., Vice President, Chairperson, Investigative Committee B
- Consideration of Cases Recommended for Closure by the Committees
- Investigations Division - Douglas C. Cooper, Chief of Investigations
 - Status of Investigative Caseload
 - Compliance Report
 - Status of In-Office Surgery Reporting for 2007
- Nevada State Medical Association Liaison Report - Cindy Lamerson, M.D., Board Member; Lawrence P. Matheis, Executive Director, Nevada State Medical Association
- Clark County Medical Society Liaison Report - Benjamin J. Rodriguez, M.D., Board Member; Weldon Havins, M.D., J.D., President, Executive Director and Special Counsel, Clark County Medical Society
- Washoe County Medical Society Liaison Report - Cindy Lamerson, M.D., Board Member; Jeanie L. Catterson, Executive Director, Washoe County Medical Society
- Secretary-Treasurer - Drennan A. Clark, J.D., Executive Director/Special Counsel
 - Status of Finances
- Federation of State Medical Boards of the United States, Inc.'s 2008 Annual Meeting, May 1-3, San Antonio, TX
 - Javaid Anwar, M.D., President; Jean Stoess, M.A., Board Member; S. Daniel McBride, M.D., Board Member

- Diversion Program: Quarterly Report

Peter A. Mansky, M.D., Director of the Nevada Health Professionals Assistance Foundation, told the Board the Foundation currently has 111 participants in the program. The general percentage of practicing physicians in a program in a state is one to two percent, and Nevada is over two percent. They also have an increase of 300% of alumni who are under elective monitoring. With respect to their health and wellness functions, he included in his report information concerning how healthy physicians lead to healthy patients. As an aside, Sidney Wolfe made a comment in the *New York Times* that some programs do help mitigate the numbers of serious discipline.

Dr. Lamerson asked Dr. Mansky about the Program's current financial situation, and Dr. Mansky stated they are dipping into their reserve, but are looking for funding not only from hospitals, but also from those who have completed the Program, and have received a good response to that.

Dr. Rodriguez moved to accept the report as presented. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Physician Assistant Advisory Committee

Roy M. Cary, Jr., P.A.-C, began reading from a list of recommendations compiled by the Physician Assistant Advisory Committee as to how the Committee's scope might be expanded, which had been provided to the Board in its meeting materials for review.

Dr. Anwar interjected that the Board had received the list and suggested that Board Members ask any questions they might have concerning the recommendations.

Mr. Clark stated that most of the recommendations would require a change in either statute or regulation.

Dr. Anwar asked whether the Board could adopt them as policy in the meantime.

Mr. Clark stated the Committee will be providing additional information at the next meeting.

Dr. McBride stated that the fourth recommendation appears to create a redundant disciplinary process for physician assistants and did not see a need for a separate panel.

Mr. Cousineau stated the only thing that might be viable to consider would be to expand the composition of the Board to include a physician assistant, but that would have to be accomplished by a change in statute or regulation so it would be a good idea for the Committee to bring a proposal to the Board.

- Practitioner of Respiratory Care Advisory Committee

Peggy Alby, R.R.T. stated that the Practitioner of Respiratory Care Advisory Committee had nothing to report.

**Investigative Committees – Charles N. Held, M.D., Board Member, Chairperson,
Investigative Committee A
Sohail U. Anjum, M.D., Vice President, Chairperson,
Investigative Committee B**

- Consideration of Cases Recommended for Closure by the Committees

Dr. Held reported that Investigative Committee A had considered 101 cases, authorized the filing of a formal complaint in 10 cases, requested an appearance in 7 cases, issued 16 letters of concern, sent 4 case out for a peer review, reviewed 2 cases for compliance and recommended closure of a total of 78 cases.

Dr. Anjum reported that Investigative Committee B had considered 126 cases, authorized the filing of a formal complaint in 1 case, requested an appearance in 7 cases, issued 12 letters of concern, sent 5 cases out for a peer review and recommended closure of a total of 98 cases.

Dr. Anjum moved to approve for closure the cases recommended by the Investigative Committees. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Investigations Division

- Status of Investigative Caseload

Mr. Cooper stated that in the last quarter, Investigations put forth 227 investigations for consideration, 188 of which have been closed. The Committees initiated 11 formal complaints, 14 cases resulted in a request for an appearance by the licensee before the Committees and there were 28 cases that resulted in letters of concern. There are 25 peer reviews in the field and 18 pending, so they are doing well in keeping the number of peer reviews down because they are very costly. They are currently at 66 cases per investigator, but have a large number of very detailed and elaborate investigations on which they are working with other agencies.

- Compliance Report

Mr. Cooper reported that the total outstanding debt owed to the Board in March was \$81,262, to which has been added \$29,229 from the March adjudications. During the last quarter, the Compliance Program has collected \$32,961, leaving a current outstanding balance due the Board of \$77,000. Of the \$32,000 that was collected, \$13,000 was for fines that go to the General Fund. Basically all of these fines and costs the Board is recovering are new and there is no indication the Board will not be able to collect them.

- Status of In-Office Surgery Reporting for 2007

Mr. Cooper explained that 112 forms were not returned, 8 of which were for physicians who were deployed or deceased. He has suggested to the Executive Director that the Board give those 4 or 5 physicians who were deployed a bye for this year. The next step is to go forward with fines against those remaining physicians who did not return the forms

Ms. Stoess moved to adopt the reports as presented. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Nevada State Medical Association Liaison Report

Dr. Lamerson stated she had nothing to report.

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, stated that there had been conflict with J1 and H1B visa waiver process in the state last fall and winter, and they have worked with the State Health Division in responding to the Legislative Committee on Health Care and he thinks the process is going to clear up. As soon as the Hepatitis C outbreak occurred, they advised physicians to go to their patients to answer questions about their infection control procedures and how they use injectables. Additionally, they are working on a national reform for patients who have contracted Hepatitis as a result of a facility-related infection issue to develop materials for physician practices, and eventually for facilities, to explain the infection control injectable policy, and offer CME programs for physician participation, and have volunteered the Nevada physician community to be the pilot for those materials. They are also working on a health professionals ethics summit to focus on ethical

lapses of various sorts that have been widely reported by the press in a relatively short period of time with adverse consequences. There will be reports presented to the Legislative Committee on Health Care at their July and August meetings concerning the overall structure of licensing boards, including the Medical Board, and the Committee then plans to proceed to get bill drafts.

- Clark County Medical Society Liaison Report

Weldon Havins, M.D., J.D., President, Executive Director and Special Counsel of the Clark County Medical Society, stated he had nothing to add to what Mr. Matheis reported, but thanked Dr. Rodriguez for his presence at their meetings.

Dr. McBride stated that Dr. Rodriguez would be receiving the Harold Ficus Award as outstanding physician in terms of his contributions to the community and his profession, and he wanted to congratulate him.

- Washoe County Medical Society Liaison Report

Dr. Lamerson stated she had nothing to report. Jeanie L. Catterson, Executive Director of the Washoe County Medical Society, was not present at the meeting.

**- Secretary-Treasurer
- Status of Finances**

Mr. Clark stated it is anticipated the Board would end the year with a balance of \$29,000, and it is hoped that the Board will finish up with over \$200,000 at the end of the next year.

Dr. Anwar asked whether the Board is on track as far as its finances are concerned.

Deborah Swartz, Finance and Accounting Manager, stated that currently the Board is under budget for revenue and over budget for expenditures for the year. There may be a small reserve at the end of the year of \$29,000.

**- Federation of State Medical Boards of the United States, Inc.'s 2008 Annual Meeting,
May 1-3, 2008, San Antonio, TX**

Dr. Anwar stated the Federation of State Medical Boards meetings are always very educational, interesting and diverse and he thinks there was a good attendance from the Board. The Federation is still struggling with the issue of portability of licenses.

Ms. Stoess stated she received good ideas for the website upgrade and put together a compilation of the composition of the boards by state.

Dr. McBride stated the round table discussion with members of the boards from the western states is always very valuable and we all share similar problems and it is good to discuss these issues and how the various boards have dealt with them. There was a great deal of support expressed to him by different boards for what this Board is going through.

Dr. Anwar said he brought up the Public Citizen report and the Federation is already meeting on the subject because the information published is not a true reflection of how good a board is in regulating its physicians. If you look at all the states, the difference between the states is a very small percentage so it is not an accurate gauge.

Agenda Item 14

EXECUTIVE STAFF REPORTS

- Consideration and Approval of 2007 Board Annual Report
- Consideration of Request for Staff Attendance at Educational Meetings
- Informational Items
 - Drennan A. Clark, J.D., Executive Director/Special Counsel

- Consideration of Approval of 2007 Board Annual Report

Mr. Clark requested approval of the Board's 2007 Annual Report.

Ms. Stoess moved to approve the Board's 2007 Annual Report. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Clark requested authority for Deputy General Counsel Edward Cousineau to attend the Council on Licensure, Enforcement and Regulation 2008 Annual Conference in Anchorage, Alaska in September.

Ms. Stoess moved to approve the request for training. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 15

LEGAL REPORTS - Lyn E. Beggs, J.D., Deputy General Counsel Robert Bryant, J.D., Deputy Attorney General

- Board Litigation Status

- Board Litigation Status

Ms. Beggs reported that there were 3 cases pending adjudication at the meeting, which were adjudicated, and there were two settlements that had yet to be adjudicated. There were 31 letters of concern sent out following the March Board Meeting, and there are 31 new letters to be sent out. There are currently 27 cases scheduled for hearing, 16 cases pending filing formal complaints and 25 cases pending completion of Investigative Committee summaries. With respect to court appellate cases, the Wick matter is still pending a briefing schedule in the Nevada Supreme Court, the Lakner case is still pending oral argument in District Court on judicial review, the Nevada Supreme Court upheld the Board's decision on the Fani-Salek case, and the Murphy case was remanded by the District Court for review by the Board at the September meeting.

Mr. Cooper added that the Fani-Salek case was predicated on direct source verification in Licensing and that's why it's needed.

Dr. Rodriguez moved to adopt the report as presented. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Anwar recessed the meeting for lunch at 1:05 p.m.

RECONVENE

Dr. Anwar reconvened the meeting at 2:15 p.m.

Agenda Item 19

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ANDREW WESELY, M.D., BME CASE NO. 06-10450-1

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Mr. Cousineau described the facts of the case. A complaint had been filed against Dr. Wesely for malpractice. The peer reviewer had found malpractice and also was of the opinion that Dr. Wesely should have been more diligent in informing the patient of possible complications and there was lacking documentation of informed consent in the record. In settlement negotiations, opposing counsel indicated that he had an expert witness who would testify that Dr. Wesely's conduct was consistent with the standard of care. Mr. Cousineau followed up with the peer reviewer about those representations and he tended to agree, so it was agreed by the Investigative Committee that it would be best to settle the matter. Mr. Cousineau then described the terms of the settlement agreement.

Dr. Rodriguez moved that the Board accept the settlement as presented.

Mr. Bryant named the adjudicating members.

Ms. Stoess seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 20

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SIDNEY FRANK, M.D., BME CASE NO. 08-8527-1

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Mr. Cousineau explained that this was an out-of-state action, wherein the state of California revoked Dr. Frank's license with the revocation stayed and Dr. Frank being placed on probation with multiple conditions. The Board was noticed of the action late last year and a complaint was filed against Dr. Frank for a violation of 630.301(3), for modification of his license in another jurisdiction. Mr. Cousineau then described the terms of settlement, which were a mirror of the California order and terms of probation will be consistent in Nevada, which will be in effect through August 30, 2012, unless he is released from probation sooner by the state of California.

Mr. Bryant named the adjudicating members.

Dr. Rodriguez moved that the Board accept the settlement as presented. Dr. Lamerson seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 21

LICENSURE RATIFICATION

- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved
Licensure Status Approved Since the March 28 & 29, 2008 Board Meeting

Dr. Held moved that the Board ratify the licenses issued and reinstatements of licensure and changes of licensure status approved since the March 28 & 29, 2008 Board meeting. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 22

CONSIDERATION AND APPROVAL OF RECOMMENDATION BY COMMITTEE FOR APPOINTMENT OF EXECUTIVE DIRECTOR

- Charles N. Held, Committee Chairman; Jean Stoess, M.A., Committee Member;
Cindy Lamerson, Committee Member; S. Daniel McBride, Committee Member

Dr. Held stated that he had met with the Committee. They interviewed three individuals for the position, Weldon Havins, Louis Ling, and Douglas Cooper, and only Mr. Cooper was interested in an interim position. Before making a recommendation, he wanted to know what the Board wanted the Committee to accomplish, partly because an issue had come up as to whether they should be doing a national search or just looking at the limited number of individuals who applied.

Dr. Lamerson asked about the protocols for hiring the Executive Director.

Mr. Clark stated there is a job description which lists the qualifications, but essentially it is up to the Board to determine who it wants.

Discussion ensued concerning how the Board should proceed in its search for a new Executive Director and the qualifications a successful candidate should possess.

Dr. Anwar wanted to put it on the record that Mr. Cooper has served the Board well in his current position, has done remarkable work and is recognized nationally for what he does and has received awards for it.

Dr. Rodriguez suggested advertising through Internet sources to fellow Boards and the Federation of State Medical Boards to see if there is any interest and within a few weeks the Board should have a good feel for any other potential applicants that are out there. The Board already has three well-qualified people, but this gives the Board more options.

Dr. Held agreed and proposed to allow six weeks to receive responses and schedule a meeting seven weeks out, to discuss.

Agenda Item 23

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

23(a) Joseph De Corso Jr., M.D.

Joseph De Corso Jr., M.D. appeared before the Board with his attorney, Maria Nutile, Esq.

Ms. Nutile requested that the matter be discussed in Closed Session.

Mr. Bryant stated there had been some procedural issues brought forth in Ms. Nutile's letter to the Board. The issue was brought up that there were potential violations of the Open Meeting Law with respect to notice of previous meetings. In talking with Christine Guerci-Nyhus, who is the Chief Deputy, it was the recommendation of the Attorney General's Office that the Board consider the licensing application anew as though the previous decisions were not made. He then asked Ms. Nutile whether they were waiving any possible Open Meeting Law violation with respect to the meeting that day, and were willing to go forward, and she indicated they were.

Dr. McBride moved to go into Closed Session. Ms. Stoess seconded the motion, and it passed.

Upon returning to Open Session, Dr. Anwar asked whether the paperwork has to be redone when an application takes a long time, and Ms. Daniels stated that the core information would still be valid, but some information would need to be re-verified.

Mr. Cousineau stated he does not take the position that Dr. De Corso has to report that he was denied licensure in the state and the Board has conceded that the previous actions were void for lack of notice, and therefore they never happened, and the Board had not collectively made a determination on Dr. De Corso's application at this point, so that is why withdrawal is an option.

Dr. McBride asked whether the minutes could be amended.

Mr. Bryant stated the minutes cannot be changed.

Ms. Nutile stated that based upon the fact that the Board has confirmed that the two previous actions are void, Dr. De Corso was withdrawing his application.

Mr. Bryant asked Ms. Nutile to describe the violation of the Open Meeting Law with respect to the December meeting, and Ms. Nutile stated it was the same as for the March meeting, in that Dr. De Corso did not receive notice of the meeting.

Mr. Bryant stated he is hearing from the Medical Board staff that they don't disagree with the failure of notice. The Open Meeting Law in the state of Nevada requires notice for character, conduct and professional competence, and therefore, ultimately whether it is void is up to the Attorney General, but it is his opinion, as legal counsel, that if the Board was in violation of the Open Meeting Law, those acts are null and void, and the Board should not consider those actions and should go forward from this point on.

23(b) Eric Conner, M.D.

Eric Conner, M.D. appeared before the Board on his application for licensure.

Dr. Rodriguez stated the trouble the Board had with Dr. Conner's application the last time he was before the Board was that the Board felt he was being dishonest and deceptive, and asked Dr. Conner how he felt about his interaction with the Board at his last appearance.

Ms. Beggs asked Dr. Conner whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Conner stated that he regretted putting the Board and Dr. Mansky in a very difficult position by not providing real-time disclosure when he obtained a DUI in July of 2006, while his application was being processed. He did not know at the time whether he would be charged with a DUI and by the time he knew he was going to be charged, it had already been disclosed to the Board through fingerprints. If he had to do it over again, he would have disclosed the information because he now realizes that even if he had not been charged, the Board should have been advised of the fact that he had been brought in for suspicion of a DUI. He can see how that nondisclosure could have been construed as deceptive. He was truly grateful that he was allowed to withdraw his application at that time and reapply at another date. After he appeared before the Nevada Board, he decided he would work in California, and he disclosed the conviction to the California Medical Board, who in turn took no action on his license. He has entered into a contract with Dr. Mansky for five years beginning December 2006.

Dr. Rodriguez moved that the Board grant Dr. Conner's application for licensure, contingent upon participation and compliance with the Diversion Program. Dr. McBride seconded the motion, and it passed unanimously, with Dr. Lamerson opposed to the motion and the Chair voting in favor of the motion.

23(c) Delia Wessels Anderson, M.D.

Delia Wessels Anderson, M.D. appeared before the Board on her application for licensure.

Dr. Anwar asked Dr. Anderson whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Anwar questioned Dr. Anderson concerning her difficulties during her residency training at Loma Linda University.

Dr. Anderson described the circumstances surrounding her dismissal from the pediatric residency program and her subsequent return to the program.

Dr. McBride moved that the Board grant Dr. Anderson's application for licensure. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(d) Milka Torbarina, M.D.

Milka Torbarina, M.D. appeared before the Board on her application for licensure.

Dr. Anwar asked Dr. Torbarina whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Rodriguez questioned Dr. Torbarina concerning her affirmative response to Question 12 on her application for licensure.

Dr. Torbarina explained the circumstances surrounding the claims of malpractice against her.

Ms. Stoess moved that the Board grant Dr. Torbarina's application for licensure. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(e) James Seltzer, M.D.

James Seltzer, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Lamerson asked Dr. Seltzer whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Lamerson asked Dr. Seltzer what he planned to do if granted a license.

Dr. Seltzer explained that he would be an attending at a clinic at the University.

Dr. Lamerson stated there are not too many pediatric allergy immunologists in the state of Nevada.

Dr. Lamerson moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Seltzer. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(f) Bharat Agrawal, M.D.

Bharat Agrawal, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Agrawal whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Anjum questioned Dr. Agrawal concerning his training, and Dr. Agrawal described it.

Ms. Daniels stated there is a shortage of hematology/oncology physicians in both northern and southern Nevada.

Dr. Anjum moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Agrawal. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(j) Kalpana Reddy, M.D.

Kalpana Reddy, M.D. appeared before the Board on her application for licensure.

Dr. Anwar asked Dr. Reddy whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Anwar questioned Dr. Reddy concerning the medical school she attended, as it is on the Board's list of questionable schools.

Dr. Reddy stated it was a recognized school when she attended it.

Dr. Lamerson questioned Dr. Reddy concerning why it took her so long to pass all steps of the USMLE, and Dr. Reddy explained.

Dr. Rodriguez moved that the Board grant Dr. Reddy's application for licensure. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(h) Michael Klein, Jr., M.D.

Michael Klein, Jr., M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Klein whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. McBride questioned Dr. Klein what he planned to do if granted a license in Nevada, and Dr. Klein described what he would be doing.

Dr. McBride questioned Dr. Klein concerning the one case of malpractice against him that was not dismissed and Dr. Klein described the circumstances surrounding the claim.

Dr. McBride moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Klein. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(i) Gerald Morley, M.D.

Gerald Morley, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Morley whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Rodriguez asked Dr. Morley what unique qualifications he would bring to the state of Nevada that would qualify him to receive a license by endorsement.

Dr. Morley stated he was a neurologist and described his experience and areas of expertise, including having written large chapters on pain and pain disorders for textbooks.

Dr. Rodriguez asked Dr. Morley what he planned to do if granted a license in Nevada.

Dr. Morley stated he would like to work part-time at the University and also have a small clinical practice.

Dr. Rodriguez moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Morley. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(g) Alice Buckley, M.D.

Alice Buckley, M.D. appeared before the Board on her application for licensure by endorsement.

Dr. Anwar asked Dr. Buckley whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Ms. West questioned Dr. Buckley concerning her affirmative response to Question 13 on her application for licensure.

Dr. Buckley explained the circumstances surrounding her arrests in 1997 and 2007.

Ms. West asked what unique qualifications Dr. Buckley would bring to the state of Nevada that would qualify her to receive a license by endorsement.

Dr. Buckley stated the job she has been offered is in Boulder City, which is an area that is considered underserved in her specialty area of primary care.

Ms. West moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Buckley because there is a need for primary care physicians. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(k) Everett Bryant, M.D.

Everett Bryant, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Bryant whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Held questioned Dr. Bryant concerning his affirmative response to Question 19 on his application for licensure.

Dr. Bryant explained the circumstances surrounding his probation and leave of absence during his residency training at Wayne State University.

Dr. Held questioned Dr. Bryant concerning his difficulty in passing the USMLE, and Dr. Bryant explained the circumstances.

Dr. Held moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Bryant. Dr. Anjum seconded the motion, and it passed, with Dr. Rodriguez voting against the motion and the Chair voting in favor of the motion.

23(l) Vincent Oriente, M.D.

Vincent Oriente, M.D. appeared before the Board on his application for change of status from inactive to active. His attorney, Maria Nutile, Esq., appeared with him.

Dr. Anwar asked Dr. Oriente whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Held moved to go into Closed Session. Dr. Rodriguez seconded the motion, and it passed.

Upon returning to Open Session, Dr. McBride moved to table Dr. Oriente's application for status change until he returns to the Board with an evaluation from a program such as PACE or CPEP for the Board's consideration. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(m) Fielding Sauls, M.D.

Fielding Sauls, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Sauls whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Anjum questioned Dr. Sauls concerning his affirmative response to Question 12 on his application for licensure.

Dr. Sauls explained the circumstances surrounding the claims of malpractice against him.

Dr. Held asked Dr. Sauls why he did not originally disclose the investigation of the Oklahoma Board on his application for licensure.

Dr. Sauls explained that he did not realize it would be considered an investigation until he was contacted by the Texas Board concerning his application in that state and they asked about it. At that point, he notified the Nevada Board.

Dr. Anjum moved that the Board grant Dr. Sauls' application for licensure. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Held moved to recess the meeting. Dr. Anjum seconded the motion. Dr. Anwar recessed the meeting at 6:35 p.m.

SATURDAY, JUNE 14, 2008

Board Members Present

Javaid Anwar, M.D., President
Sohail U. Anjum, M.D., Vice President
Charles N. Held, M.D.
Jean Stoess, M.A.
Cindy Lamerson, M.D.
S. Daniel McBride, M.D.
Benjamin J. Rodriguez, M.D.
Renee West

Staff Present

Drennan A. Clark, J.D., Executive Director/Special Counsel
Laurie L. Munson, Deputy Executive Director/
Information Systems Administrator/Chief of Administration
Edward O. Cousineau, J.D., Deputy General Counsel
Lyn E. Beggs, J.D., Deputy General Counsel
Lynnette L. Daniels, Chief of Licensing
Carolyn H. Castleman, Deputy Chief of Licensing

RECONVENE

Dr. Anwar reconvened the meeting at 8:32 a.m.

Ms. Beggs took roll call and all Board members were present. Ms. Beggs announced that there was a quorum.

Agenda Item 23 ***(CONTINUED)***

**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE**

23(n) George Mingea, M.D.

George Mingea, M.D. appeared before the Board on his application for licensure.

Ms. Beggs asked Dr. Mingea whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Anwar questioned Dr. Mingea concerning his negative response to Question 13 on his application for licensure.

Dr. Mingea explained the circumstances surrounding his arrest and said he did not disclose it on his application because he didn't consider it a reportable offense and did not intend to deceive anyone.

Dr. Anwar asked Dr. Mingea to read the question and advise the Board what part of the question was not as clear as it could have been, and possibly the Board could modify the question.

Dr. Mingea said it is very long sentence and has lot of clauses in it. He suggested it might be helpful if it asked whether the applicant had ever been in jail or incarcerated.

Dr. Anwar asked Dr. Mingea how he would answer the question in the future, and Dr. Mingea said that he would answer in the affirmative because he now understands that this was a reportable incident.

Dr. Anwar questioned Dr. Mingea concerning his affirmative response to Question 12 on his application for licensure.

Dr. Mingea explained the circumstances surrounding the single claim of malpractice against him.

Dr. Anwar asked Dr. Mingea what he planned to do if granted a Nevada license.

Dr. Mingea said he works for a company named Med Corp, and his job is to provide oversight on the patient care guideline side and medical supplies side. They have a local physician who is more directly involved. He has six sites in Texas and one in Louisiana that he oversees.

Dr. Rodriguez moved that the Board grant Dr. Mingea's application for an administrative license. Ms. Stoess seconded the motion, and it passed, with Dr. Lamerson voting against the motion and the Chair voting in favor of the motion.

23(o) Glenn Miller, C.R.T.

Glenn Miller, C.R.T. appeared before the Board from Las Vegas on his application for licensure.

Ms. Beggs asked Mr. Miller whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Ms. West questioned Mr. Miller concerning his affirmative response to Question 12 on his application for licensure.

Mr. Miller explained the circumstances surrounding his arrests in 1999 and stated the arrest in 1977 was not him.

Ms. West asked Mr. Miller about his current employment. He stated he is currently living in a shelter and has sought other employment while waiting to find out whether he will be granted a license in Nevada, but he is not currently working. The last time he practiced respiratory therapy was in May 2007.

Dr. Rodriguez moved that the Board grant Mr. Miller's application for licensure. Dr. Anjum seconded the motion, and it passed, with Dr. Lamerson and Ms. West voting against the motion and the Chair voting in favor of the motion.

23(p) James Laurenzano, M.D.

James Laurenzano, M.D. appeared before the Board on his application for licensure.

Ms. Beggs asked Dr. Laurenzano whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Rodriguez moved to go into Closed Session. Dr. Anjum seconded the motion, and it passed.

Upon returning to Open Session, Dr. McBride moved that the Board grant Dr. Laurenzano's application for licensure. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. McBride stated the Board receives patient complaints all the time, and he doesn't think that people don't consider patient complaints that have been closed without action being taken as formal investigations.

Mr. Cousineau suggested that Question 31 on the application be amended to include "even if the matter was ultimately closed or dismissed," to clarify the question.

Discussion ensued concerning whether patient complaints that are closed without action being taken need to be disclosed and how the question could be amended to clarify that those should be included if the Board deems they should be.

Dr. Lamerson asked that this issue be placed on the agenda for discussion at the next Board meeting.

23(q) Donna Hatch, C.R.T.

Donna Hatch, C.R.T. appeared before the Board on her application for licensure.

Ms. Beggs asked Ms. Hatch whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did.

Dr. Held moved to go into Closed Session.

Upon returning to Open Session, Ms. Stoess moved that the Board grant Ms. Hatch's application for licensure. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(r) Elton Kerr, M.D.

Elton Kerr, M.D. appeared before the Board on his application for licensure.

Ms. Beggs asked Dr. Kerr whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Held moved to go into Closed Session. Dr. Anjum seconded the motion, and it passed.

Upon returning to Open Session, Dr. McBride moved that the Board grant Dr. Kerr's application for licensure. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(aa) Dan Bendtsen, M.D.

Dan Bendtsen, M.D. appeared before the Board on his application for licensure.

Ms. Beggs asked Dr. Bendtsen whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Anwar questioned Dr. Bendtsen concerning his affirmative response to Question 13 on his application for licensure.

Dr. Bendtsen explained the circumstances surrounding his arrest in 2005.

Dr. McBride moved that the Board grant Dr. Bendtsen's application for licensure, contingent upon compliance with the Diversion Program. Dr. Held seconded the motion, and it passed, with Dr. Anjum voting against the motion and the Chair voting in favor of the motion.

23(s) Frederic Ilfeld, M.D.

Frederic Ilfeld, M.D. appeared before the Board on his application for licensure.

Ms. Beggs asked Dr. Ilfeld whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Ms. Stoess questioned Dr. Ilfeld concerning the fact that he has not practiced clinical medicine since June 2005.

Dr. Ilfeld explained that he is a clinical professor of psychiatry at the University of Nevada Medical School and has been teaching his colleagues. He needs a license because he runs a risk of malpractice as a teaching clinician.

Ms. Stoess moved that the Board grant Dr. Ilfeld's application for licensure. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(u) Galen Eversole, M.D.

Galen Eversole, M.D. appeared before the Board on his application for licensure.

Ms. Beggs asked Dr. Eversole whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Lamerson questioned Dr. Eversole concerning why he responded differently to the same questions on his initial registration form than he did on his application form, which he completed first.

Dr. Eversole explained that he answered differently on the second form because in one instance, after thinking about his response on the first, he felt that he had answered incorrectly, and in the other, he misinterpreted the question, and he did not refer to his application form when completing the initial registration form.

Dr. Lamerson questioned Dr. Eversole concerning his prior drug use, and Dr. Eversole explained the same.

Dr. McBride moved that the Board grant Dr. Eversole's application for licensure. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(v) Vandana Bansal, M.D.

Vandana Bansal, M.D. appeared before the Board on her application for licensure.

Dr. Anjum questioned Dr. Bansal concerning the fact that she has not practiced medicine since completion of her residency in June 2006.

Dr. Bansal explained what she had been doing since then and stated she would be taking the internal medicine boards in August 2008.

Dr. Anjum moved that the Board grant Dr. Bansal's application for licensure. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(w) Ola Eisa, M.D.

Ola Eisa, M.D. appeared before the Board on her application for licensure. Her attorney, Maria Nutile, Esq., appeared with her.

Dr. Lamerson stated there had been some mention of discrimination in Ms. Nutile's letters to the Board and she wanted to know what they were referring to.

Ms. Nutile stated she was referring to the statute, not to the Board. She understands the Board has to follow the law, but if an applicant never gets past the hurdle of being able to submit an application, the applicant can never go through the process of contesting the statute. She stated that she was surprised that the Board didn't do something at the time the statute was put in place because it left out an entire group of individuals who, at the time the statute was passed, could never qualify for a license in Nevada.

Mr. Cousineau clarified that Ms. Nutile was referring to a regulation, not a statute.

Dr. Lamerson stated that regulations are put in place to ensure the state is getting good applicants, but sometimes when they are written, the Board cannot anticipate problems occurring as a result.

Discussion ensued concerning whether the regulation is discriminatory.

The Board realizes the current regulation has prevented several good, qualified applicants from applying and has proposed a change to the regulation which will be before the Legislative Commission the following week.

Mr. Cousineau stated that the change in the endorsement statute was the impetus for the Board to modify the ten-year rule and USMLE regulations, and the Board is hoping the old endorsement law will be put back in place.

Mr. Cousineau suggested the Board could grant a license contingent upon approval by the Legislative Commission of the modification of the USMLE regulation.

Dr. Held moved that the Board grant Dr. Eisa's application for licensure, contingent upon the change in the regulation. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Discussion ensued concerning Dr. Eisa's options to obtain licensure in the event the change to the regulation was not approved by the Legislative Commission.

23(x) IkSung, M.D.

Ik Sung, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Sung why he responded in the negative to Question 19 on his application for licensure when he had been placed on probation during his residency at the University of Washington.

Dr. Sung explained that he responded in the negative because the probation was not a standard probation, in that it did not involve his academic or clinical skills, malpractice, complaints from patients, or the like, and he was told that he was put on probation for his own good to assist him in developing better interaction with nurses, ancillary staff, etc.

Dr. Lamerson asked whether Dr. Sung was told he was on probation, and Dr. Sung stated that he was notified by letter at some point.

Dr. Anwar asked Dr. Sung how he would respond to the question in the future, and Dr. Sung stated that under the broad realm, he would answer yes and provide an explanation, because it asks, "have you ever been."

Dr. Sung stated he was told by the Chairman of the Committee at the University of Washington that it was for his own good and no one would know, and that he had consulted with others as to how he should respond to the question on the application.

Discussion ensued concerning Dr. Sung's responses to the questions posed to him by the Board and as to whether he intended to deceive the Board by his response.

Dr. Held advised Dr. Sung he had the option to withdraw his application, and Dr. Sung left the room to consider how he wanted to proceed.

23(y) Jennifer Wilson, M.D.

Jennifer Wilson, M.D. appeared before the Board on her application for licensure. Karen Selbach, Family Medicine Residency Program Director at the University of Nevada Medical School, appeared with her.

Dr. Rodriguez questioned Dr. Wilson concerning her affirmative response to Question 19 on her application for licensure.

Dr. Wilson explained the circumstances surrounding her resignation from her residency training with the Air Force and being placed on probation during her residency training at Conemaugh Valley Memorial Hospital.

Dr. Rodriguez moved that the Board grant Dr. Wilson's application for a limited license for residency training. Dr. McBride seconded the motion, and it passed, with Dr. Held voting against the motion and the Chair voting in favor of the motion.

23(z) Elena Zenkin, M.D.

Elena Zenkin, M.D. appeared before the Board on her application for licensure.

Dr. Held questioned Dr. Zenkin concerning her affirmative response to Question 19 on her application for licensure.

Dr. Zenkin explained the circumstances surrounding being placed on probation during her residency training at the University of Connecticut.

Dr. Held moved that the Board grant Dr. Zenkin's application for licensure. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(x) IkSung, M.D. (CONTINUED)

Dr. Sung returned to the room and stated he wanted to withdraw his application for licensure.

23(bb) Arthur Nathanson, M.D.

Arthur Nathanson, M.D. appeared before the Board on his application for licensure by endorsement.

Ms. West questioned Dr. Nathanson concerning his affirmative response to Question 12 on his application for licensure.

Dr. Nathanson explained the circumstances surrounding the claims of malpractice against him.

Ms. West moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Nathanson. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(cc) Robert Kurman, M.D.

Robert Kurman, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Held questioned Dr. Kurman concerning the fact that he has not passed a major examination within the last ten years and asked why he wanted to come to Nevada.

Dr. Kurman said that he had been recruited by Quest in Las Vegas to establish a center of excellence for women's health, specifically related to gynecologic oncology, which is his area of expertise. He has also met with people at the Nevada Cancer Institute and wants to work with them in the area of ovarian cancer.

Dr. Held moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Kurman. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

23(dd) Aneesa Majid, M.D.

Aneesa Majid, M.D. appeared before the Board on her application for licensure.

Dr. Anjum questioned Dr. Majid concerning her affirmative response to Question 12 on her application for licensure.

Dr. Majid explained the circumstances surrounding the claims of malpractice against her.

Dr. Anjum moved that the Board grant Dr. Majid's application for licensure. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 24

MATTERS FOR FUTURE AGENDA

Mr. Clark stated the following matters would be on the Agenda for the June 2008 meeting: consideration of the 2007-2008 audit of the Board by Solari and Sturmer; a review of the complaint process and statutory and regulatory underpinning of it pursuant to a discussion that took place at this meeting; a discussion concerning Item 2 on the legislative proposals list regarding the 5 years clinical practice requirement for licensure by endorsement; and a review of NRS Chapter 281A regarding conflicts of interest statement policy.

Agenda Item 25

ELECTION OF OFFICERS AND APPOINTMENT OF COMMITTEE MEMBERS

Dr. Anwar announced that nominations were open for election of officers of the Board.

Ms. Stoess nominated Dr. Held for President.

Dr. Anjum nominated Dr. Anwar for President.

A vote was taken on the nominations with the following results: Dr. Lamerson, Dr. Rodriguez, Ms. Stoess, Ms. West and Dr. Held voting for Dr. Held and Dr. Anjum, Dr. McBride and Dr. Anwar voting for Dr. Anwar. Dr. Held was elected President.

Dr. Anwar nominated Dr. Anjum for Vice President.

Dr. Held nominated Dr. Rodriguez for Vice President.

A vote was taken on the nominations with the following results: Dr. Anwar and Dr. Anjum voting for Dr. Anjum and Dr. Lamerson, Dr. McBride, Dr. Held, Ms. Stoess, Ms. West and Dr. Rodriguez voting for Dr. Rodriguez. Dr. Rodriguez was elected Vice President.

Dr. Held asked which Board Members felt they could perform the job of Secretary-Treasurer and Ms. West said she could, but asked about the time commitment involved.

Mr. Clark recommended that Dr. Held maintain the current Investigative Committee A for purposes of handling the Endoscopy Center of Southern Nevada case.

Discussion ensued concerning the job duties of the Secretary-Treasurer.

Ms. West stated she would act as Secretary-Treasurer if she did not have to be part of an Investigative Committee. Dr. McBride nominated Ms. West for Secretary-Treasurer.

A vote was taken on the nomination, with all Board Members voting in favor of the nomination. Ms. West was elected Secretary-Treasurer.

Dr. Held stated that the Investigative Committees would remain as is with Dr. Held, Ms. Stoess and Dr. Lamerson on Investigative Committee A and Dr. Anjum, Dr. McBride and the newly appointed member on Investigative Committee B.

Mr. Clark stated that the three Board Members who are not on Investigative Committees comprise the License Application and Malpractice Review Committee, those being Dr. Anwar, Dr. Rodriguez and Ms. West.

Agenda Item 26 **PUBLIC COMMENT**

Dr. Anwar asked whether there were any members of the public present who would like to make a public comment, and there were none.

ADJOURNMENT

Ms. Stoess moved to adjourn the meeting. Dr. Anwar adjourned the meeting at 12:50 p.m.